REMARKS

Claims 1-9 are currently pending in the subject application and are presently under consideration. Favorable reconsideration of the subject application is respectfully requested in view of the following comments herein.

I.   **Rejection of Claims 1-9 Under 35 U.S.C. §102(e)**

Claims 1-9 stand rejected under 35 U.S.C. §102(e) as being anticipated by Crump *et al.* (US 6,484,206). It is respectfully requested that this rejection be withdrawn for at least the following reason. Crump *et al.* does not teach or suggest each and every element of the subject claims.

> A single prior art reference anticipates a patent claim only if it expressly or inherently describes each and every limitation set forth in the patent claim. *Trintec Industries, Inc., v. Top-U.S.A. Corp.*, 295 F.3d 1292, 63 U.S.P.Q.2D 1597 (Fed. Cir. 2002); *See Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ 2d 1051, 1053 (Fed. Cir. 1987). The identical invention must be shown in as complete detail as is contained in the ... claim. *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989).

Independent claim 1 recites a protocol for automatic sequential addressing wherein the protocol comprises a *first protocol that enables at least one I/O module to receive network communications and a second protocol that provides network communication to the at least one I/O module.* Such a protocol can be utilized in conjunction with a control system to enable a user to build a precise input/output (I/O) system while mitigating the need to add racks, communications and power supplies. (*See* p.5, lines 4-6). This provides the user with a more granular I/O system while reducing node connection costs when additional I/O points are desired. (*See* p.5, lines 6-7). Crump *et al.* does not teach or suggest such limitations of the claimed invention.

More particularly, Crump *et al.* does not teach or suggest a protocol comprising a first protocol that enables at least one I/O module to receive network communications and a second protocol that provides network communication to the at least one I/O

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module as recited in the claimed subject invention. Examiner cites col. 4, line 34 – col. 5, line 32 of Crump *et al.* to teach this limitation. However, this section is not directed to a network structure wherein *two protocols co-exist* to facilitate communication, as recited in the claimed subject invention. Rather, Crump *et al.* simply discloses two *independent protocols* and a translating apparatus. A first protocol facilitates communication between a client(s) and a translating apparatus, and the translating apparatus communicates with a server *via* a second protocol. The translating apparatus is utilized to convert the communication between the first and second protocols and simply acts as a proxy to allow the client(s) and server to communicate across a network. Thus, in Crump *et al.*, each protocol is *isolated* from the other and thus does not provide a network wherein two protocols are employed *concurrently* as recited in the subject claims.

In addition, Crump *et al.* does not teach or suggest utilizing automatic sequential addressing as recited in the subject claim. In the Final Office Action dated October 2, 2003, the Examiner states that a sequential addressing scheme is inherent in the network disclosed in Crump *et al.* since "more than one client communicates with the translating apparatus over a first protocol network." Applicants' representative respectfully disagrees. "To establish inherency, the extrinsic evidence 'must make clear that the missing descriptive matter is necessarily present in the thing described in the reference, and that it would be so recognized by persons of ordinary skill. Inherency, however, may not be established by probabilities or possibilities. The *mere fact that a certain thing may result from a given set of circumstances is not sufficient.*' " *In re Robertson*, 169 F.3d 743, 745, 49 USPQ2d 1949, 1950-51 (Fed. Cir. 1999) (citations omitted) (emphasis added). "In relying upon the theory of inherency, the examiner must provide a basis in fact and/or technical reasoning to reasonably support the determination that *the allegedly inherent characteristic necessarily flows from the teachings of the applied prior art."* *Ex parte Levy*, 17 USPQ2d 1461, 1464 (Bd. Pat. App. & Inter. 1990) (emphasis added).

Communication with a translating apparatus involving a plurality of clients does not inherently employ automatic sequential addressing as recited in the subject claim. For example, the mere fact that communication between a plurality of clients and a server may communicate utilizing a protocol does not necessitate the use of automatic sequential addressing. Thus, the Examiner has not met the burden to establish inherency.

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Moreover, the communication link disclosed in Crump *et al.* does not disclose facilitating communication between a network and an I/O module as recited in the subject claim. Rather, Crump *et al.* discloses communication between a client (*e.g.* user) and a server (*e.g.* wireless telephone service). Therefore, there is no requirement for a sequential addressing schema, as recited in the subject claim, to be employed since each user is identified not by location (*e.g.* addressing) on a bus but rather by a preprogrammed ID number.

In view of at least the foregoing, it is respectfully submitted that Crump *et al.* neither anticipates nor suggests applicants' invention as recited in independent claim 1 (and claims 2-9 which depend therefrom), and this rejection should be withdrawn.

II. Conclusion

The present application is believed to be in condition for allowance, in view of the above comments and amendments. A prompt action to such end is earnestly solicited.

In the event any fees are due in connection with this document, the Commissioner is authorized to charge those fees to Deposit Account No. 50-1063.

Should the Examiner believe a telephone interview would be helpful to expedite favorable prosecution, the Examiner is invited to contact applicants' undersigned representative at the telephone number listed below.

Respectfully submitted,

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